

Message Text

LIMITED OFFICIAL USE

PAGE 01 SANTIA 01392 172118Z

ACTION IO-13

INFO OCT-01 ARA-06 ISO-00 CIAE-00 DODE-00 PM-04 H-01

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 DHA-02 JUSE-00 SCA-01 SCS-03 ORM-02 /073 W

-----180422 083629 /20

R 172027Z FEB 77

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 3508

INFO USMISSION GENEVA

LIMITED OFFICIAL USE SANTIAGO 1392

E. O. 11652: N/A

TAGS: SHUM, PINT, CI

SUBJECT: COURTS REJECT APPEALS; RADIO BALMACEDA REMAINS CLOSED

REF: A) SANTIAGO 885 B) SANTIAGO A-24 C) SANTIAGO 1273

1. MILITARY AND CIVILIAN COURTS HAVE DENIED ALL EFFORTS
THUS FAR MADE BY RADIO BALMACEDA AND ITS OWNERS, THE CHRISTIAN
DEMOCRATIC PARTY (PDC), TO HAVE THE STATION RE-OPENED (REF A).
THE GOC HAS STATED THE CLOSURE WAS DUE TO THE STATION'S "POLITICAL"
REPORTING.

2. RADIO BALMACEDA FIRST APPEALED ITS JAN. 28 INDEFINITE CLOSURE
TO THE HIGHEST APPEALS COURT WITHIN THE MILITARY COURT SYSTEM
(THE "CORTE MARCIAL"). THE COURT DENIED THE APPEAL ON PROCEDURAL
GROUNDS, CITING A SECTION OF THE INTERNAL SECURITY LAW
(12, 927, ART. 34 N) WHICH ALLOWS FOR APPEALS ONLY WITHIN
48 HOURS. BALMACEDA HAD TAKEN 72 HOURS (OVER A WEEKEND AND WITHOUT
ACCESS TO THE DOCUMENTATION IN THE STATION PREMISES). THE COURT
CHOSE TO IGNORE PART OF THAT SAME SECTION OF LAW WHICH AUTHORIZES
CLOSURES FOR A MAXIMUM OF SIX DAYS.

3. THE PDC, AS HOLDER OF THE LICENSE UNDER WHICH RADIO

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 SANTIA 01392 172118Z

BALMACEDA OPERATES AND MAJOR SHAREHOLDER IN THE STATION,
TURNED TO THE SANTIAGO COURT OF APPEALS. THE PDC ARGUED THAT
THE INDEFINITE CLOSURE WAS UNCONSTITUTIONAL AND DENIED THE PARTY
ITS RIGHT OF PROPERTY. THE COURT REFUSED TO APPLY THE CONSTITUTIONAL
SIGHT OF PROTECTION ("RECURSO DE PROTECCION"), CITING NEWLY
PROMULGATED DECREE LAW 1684 (REF B), WHICH REMOVED THIS RIGHT
DURING STATES OF EMERGENCY. (THERE IS SPECULATION THAT THIS

HASTILY DRAFTED LAW WAS DECREED SPECIFICALLY TO PREVENT THE PDC FROM AVAILING ITSELF OF THE RIGHT IN THIS CASE.) THE PDC HAS TAKEN THE CASE TO THE SUPREME COURT, BUT THERE APPEARS TO BE SMALL CHANCE OF A REVERSAL.

4. SENIOR PDC LEADERS TOLD EMBOFFS THE PARTY HAD TWO THEORIES ABOUT THE CLOSURE: THE STATION'S LINKING OF THE CURRENT SCANDAL INVOLVING FINANCIAL COMPANIES TO THE GOC WAS TOO MUCH FOR THE GOVERNMENT TO ACCEPT, OR THE GOC WAS TRYING TO PROVOKE THE PDC INTO TAKING ACTIONS WHICH WOULD PROVIDE JUSTIFICATION FOR CLOSING DOWN THE PARTY COMPLETELY. WARY OF THE THE LATTER POSSIBIVVILITY, THE PDC DECIDED TO MOVE VERY CAUTIOUSLY IN THE BALMACEDA MATTER, AND INTENDED TO STICK TO THE LEGAL APPEALS PROCESS. WHICH IS EXACTLY WHAT THEY HAVE DONE.

5. THE NEW DIRECTOR OF SOCIAL COMMUNICATIONS FOR THE GOC, COL. SERGIO BADIOLA, TOLD EMBOFF FEB. 4 THAT THE GOVERNMENT HAD ACTED BECAUSE OF RADIO BALMACEDA'S TENDENTIOUS REPORTING OF THE "FINANCIERA" PROBLEM. BUT THIS HAD BEEN ONLY THE LAST STRAW, AFTER THE STATION FOR THREE YEARS HAD RECEIVED REPEATED WARNINGS AND FOUR PREVIOUS SUSPENSIONS. HE ALSO MENTIONED -- BUT NOT IN A THREATENING MANNER -- TWO OTHER SANTIAGO RADIO STATIONS THAT WERE EXCEEDING THE PERMISSILBE BOUNDS OF SELF-CENSORSHIP: THE CATHOLIC CHURCH'S RADIO CHILENA AND THE SLIGHTLY INDEPENDENT-MINDED RADIO SANTIAGO.

6. COMMENT: THE CLOSURE, APPEALS, COURT DECISIONS, AND RADIO BALMACEDA'S LONG-STANDING FINANCIAL DEFICITS HAVE GENERATED A GREAT DEAL OF PRESS COVERAGE AND EDITORIALS; MOST OF THE LATTER LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 SANTIA 01392 172118Z

(INCLUDING THE CONSERVATIVE DAILY "EL MERCURIO") HAVE CRITICEZED THE GOVERNMENT ACTION. THE PDC NEVERTHELESS APPEARS TO TAKE FOR GRANTED THAT THE STATION WILL NOT REOPEN, AND WE CAN EXPECT THAT NEGATIVE REACTION TO THE CLOSURE WILL SOON DISSIPATE.

BOYATT

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptoning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: RADIO BROADCASTING, CLOSURE OF OFFICES
Control Number: n/a
Copy: SINGLE
Sent Date: 17-Feb-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977SANTIA01392
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770057-1051
Format: TEL
From: SANTIAGO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770231/aaaabbtz.tel
Line Count: 102
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: a09b17c5-c288-dd11-92da-001cc4696bcc
Office: ACTION IO
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 SANTIAGO 885, 77 SANTIAGO A-24, 77 SANTIAGO 1273
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 11-Jan-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3295225
Secure: OPEN
Status: NATIVE
Subject: COURTS REJECT APPEALS; RADIO BALMACEDA REMAINS CLOSED
TAGS: SHUM, PINT, ETEL, CI
To: STATE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/a09b17c5-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009